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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,919	03/12/2001	Sophie Pautonnier	204318US2	5062
22850	7590	02/13/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CORSARO, NICK	
		ART UNIT	PAPER NUMBER	2684
DATE MAILED: 02/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/802,919	PAUTONNIER, SOPHIE
	Examiner	Art Unit
	Nick Corsaro	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 March 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 2 is/are rejected.
 7) Claim(s) 3 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The case record indicates that an information disclosure statement was filed 03/12/2001; however there is no 1449 placed in the case. Further the applicant's transmittal letter does not list any information disclosure statement being filed on 03/12/2001. Therefore, that IDS has not been considered. The examiner suggests that if the applicant did file a 1449 on 03/12/2001 that the applicant send a copy for consideration or indicate in the response to this action that no IDS on the above date was ever filed.
2. The information disclosure statement filed 05/07/201 has be received and placed of record in the file.

Specification

3. The abstract of the disclosure is objected to because the abstract is more than one paragraph. Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The disclosure is objected to because of the following informalities: The disclosure does not have the proper sections with headings.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
"Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, and 2, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shon et al. (5,499,238) in view of Wakizaka et al. (6,639,916).

Consider claim 1, Shon discloses a method of transmitting, over a physical link between a first station and a second station of a telecommunications system (see col. 1 lines 10-40, col. 2 lines 1-32, and col. 4 lines 15-45, where Shon is disclosing an asynchronous transfer mode switch (ATM) used to connect various subscriber lines to the network, therefore, inherently a second station). Shone discloses data issuing from a plurality of users in communication with the said first station (see col. 1 lines 10-67, col. 2 lines 1-32, and col. 4 lines 15-50, where Shon discusses the apparatus is an ATM network interface unit intended to receive, subscriber data, and resend subscriber data from several subscribers to another point in the network). Shon discloses said data being segmented in the form of cells (see col. 2 lines 35-67). Shon discloses said system being designed so that the said cells are sent over the said link at transmission time intervals TTI which are different according to the type to which they belong (see col. 1 lines 35-40, col. 4 lines 58-60, col. 5 lines 19-40, and col. 7 lines 11-35, where Shon is discussing that based on the type of information, and the characteristics of that information the information is placed in prioritized buffers for sending over the network in ATM cells, i.e., ATM cells that are sent in TTI intervals). Shon in that it consists of using as many queues as there are different types of data which the said telecommunications system can manage, said queues being fed by cells carrying the said data, each queue being fed by the cells to which the type of data corresponding to the said queue is allocated, the said queues being emptied by time slices with a

predetermined duration (see col. 4 lines 15-59, col. 5 lines 19-67, and col. 6 lines 19-55, col. 7 lines 10-35). Shon discloses at the commencement of each slice, the first non-empty queue, in increasing order of the said time intervals allocated to the said queues, is emptied, then the second non-empty one is emptied, then the third non-empty one, etc, and at the expiry of the said time slice, the cycle recommences, whatever the state of the said queues (see col. 7 lines 10-35, col. 7 lines 56-67, col. 8 lines 1-67, and col. 9 lines 1-11).

Shon discloses the ATM switch is used to connect subscriber data to the network via an ATM switch, where it is common to use such ATM switches between the base stations and the MSC of a mobile communication system (see col. 1 lines 10-60). Shon, however, does not specifically disclose a physical link between a base station and a controller of a telecommunications system, data issuing from a plurality of users in communication with the said base station. Wakizaka teaches a physical link (10, figure 8) between a base station (38) and a controller (1) of a telecommunications system, data issuing from a plurality of users in communication with the said base station (see col. 1 lines 50-55, col. 8 lines 20-67, where Wakizaka discusses an ATM switched used in a mobile communication system to transmit voice, video, and data from the subscriber terminals to the mobile exchange or controller).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Shon, and use the ATM switch in a physical link between a base station and a controller of a telecommunications system, data issuing from a plurality of users in communication with the said base station, as taught by Wakizaka, thus providing an improved system to transmit and receive AAI cells, i.e., voice, video, and data cells between the base stations and the controllers.

Consider claim 2, Shon discloses in that the said predetermined duration is equal to a duration at most equal to the smallest time interval in the said system (see col. 4 lines 15-58, where Shon is discussing the buffers are emptied in accordance with the necessary period, based on the buffer and ATM period).

Allowable Subject Matter

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,597,669), Takahashi teaches queuing data in ATM based on data type.

5. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro

Primary Examiner
Nick Corsaro